12-28-01 A

12/20/01 10/060 U.S. PTO
10/02/97 01046 U.S. PTO 12/20/01

CONTINUING APPLICATION TRANSMITTAL FORM
(37 C.F.R. § 1.53(b))

ANTICIPATED CLASSIFICATION OF THIS APPLICATION:	PRIOR APPLICATION: 08/951,552	
CLASS: 514 SUBCLASS: 044.000	EXAMINER: Brusca, J.	ART UNIT: 1631

To the Commissioner for Patents:

This is a request for filing a continuation application under 37 C.F.R. § 1.53(b), of pending prior application Serial No. 08/951,552 filed on October 16, 1997 which claims priority to provisional application Serial No. 60/029,252, filed October 24, 1996, by Kenneth Brigham; Angelo Canonico; Barbara Meyrick; and Arlene Stenchenko for "Gene Delivery and Expression in Areas Inaccessible to Direct Protein Delivery."

If any extension of time is necessary for the filing of this application, including any extension of time necessary in the prior application for maintaining copendency between the prior application and this application, and such extension has not otherwise been requested, Applicant hereby petitions for such an extension in the prior application.

1. Enclosed is a specification as prescribed by 35 U.S.C. § 112 containing a description pursuant to § 1.71 and at least one claim pursuant to § 1.75, and any drawing required by § 1.81(a).

2. The inventors of the invention being claimed in this application are: Kenneth Brigham, Angelo Canonico; Barbara Meyrick; Arlene Stenchenko

3A. [X] This application is a continuation or divisional application (not a continuation-in-part) that:

(i) names as inventors the same or fewer than all of the inventors named in the prior application; and
(ii) contains no matter that would have been new matter in the prior application; and
(iii) a copy of the executed oath or declaration filed in the prior application, showing the signature or an indication thereon that it was signed:

[] is enclosed.
[X] will follow.

[] This application is being filed by less than all the inventors named in the prior application. In accordance with 37 C.F.R.§1.53(d)(4), the Commissioner is requested to delete the name(s) of the following persons who are not inventors of the invention being claimed in this application:

--OR--

3B. [] This application is a continuation-in-part application, or a continuation or divisional application naming an inventor not named in the prior application. A newly executed oath or declaration:

[] is enclosed.
[] will follow.

4. [] Amend the Title of the Invention as follows:

5. [X] Amend the specification by deleting lines 6-12 and in their place inserting the sentence:

This application is a continuation of, and claims priority to, U.S. Serial No. 08/951,552, filed October 16, 1997 (allowed), which claims priority to U.S. Serial No. 60/029,252, filed October 24, 1996, both of which are herein incorporated by reference in their entirety.

6. [] Priority of foreign application number , filed on in is claimed under 35 U.S.C. § 119.

[] The certified copy has been filed in prior application Serial No. , filed on .

7. [X] Cancel in this application original claims 2-35 of the prior application before calculating the filing fee. (At least one original independent claim must be retained for filing purposes.)

8. [X] A preliminary amendment is enclosed.

9. [] New formal drawings are enclosed.

10. [X] Also enclosed is Authorization to Treat Reply Requiring Extension of Time:

11. [X] The prior application is assigned of record to: Vanderbilt University

12. [X] Applicant claims small entity status. See 37 C.F.R. § 1.27.

13. The filing fee is calculated as follows:

TOTAL CLAIMS	19 - 20 = 0	0	x $18.00	$0
INDEPENDENT CLAIMS	4 - 3 = 1	0	x $84.00	$84.00
MULTIPLE DEPENDENT CLAIM(S) (IF APPLICABLE) =			+ $280.00	$0
BASIC FEE =				$740.00
TOTAL OF ABOVE CALCULATIONS =				$824.00
REDUCTION BY ½ FOR FILING BY SMALL ENTITY (NOTE 37 C.F.R. § 1.9, § 1.27, § 1.28)				$412.00
TOTAL NATIONAL FEE =				$412.00

14. [] A check in the amount of $ is enclosed.

15. [] The Commissioner is hereby authorized to charge any fees which may be required under 37 C.F.R. § 1.16 and § 1.17, or credit any overpayment to Deposit Account No. .

16. [] The Power of Attorney in the prior application is to:

a. [X] The Power of Attorney appears in the original papers in the prior application.

b. [] Since the Power does not appear in the original papers, a copy of the power in the prior application is enclosed.

c. [X] Address all future correspondence to: (May only be completed by applicant, or attorney or agent of record.)

Shari J. Corin, Ph.D.
NEEDLE & ROSENBERG, P.C.
Suite 1200, The Candler Building
127 Peachtree Street, N.E.
Atlanta, GA 30303-1811

17. I hereby verify that all statements made herein of my own knowledge are true; and further that these statements were made with the knowledge that willful false statements and the like are made punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Shari J. Corin, Ph.D.
REG. NO. 46,243

SIGNATURE

DATE December 20, 2001

[] Inventor(s)

[] Assignee of complete interest

[X] Attorney or agent of record

[] Filed under 37 C.F.R. § 1.34(a)
(Registration No. is acting under 37 C.F.R. § 1.34(a):

EXPRESS MAIL NO. EL491883896US

CERTIFICATE OF EXPRESS MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as Express Mail Invoice No. EL491883896US in an envelope addressed to: BOX PATENT APPLICATION, Commissioner for Patents, Washington, D.C. 20231, on this 20 day of December, 2001.

Erick Calderon

DATE 12/20/01

ATTORNEY DOCKET NO. 22000.0106U2
PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of	)	
	)	
Brigham, et al.	)	
	)	
Serial No.: Unassigned	)	Group Art Unit: Unassigned
	)	
Filed: Concurrently	)	Examiner: Unassigned
	)	
For: Gene Delivery and Expression in Areas Inaccessible to Direct Protein Delivery	)	

AUTHORIZATION TO TREAT REPLY REQUIRING EXTENSION OF TIME AS INCORPORATING PETITION FOR EXTENSION OF TIME AND PAYMENT OF EXTENSION OF TIME FEE

BOX PATENT APPLICATION
Commissioner for Patents
Washington, D.C. 20231

NEEDLE & ROSENBERG, P.C.
Suite 1200, The Candler Building
127 Peachtree Street, N.E.
Atlanta, Georgia 30303-1811

December 20, 2001

Sir:

Pursuant to 37 C.F.R. § 1.136(a)(3), the Commissioner is hereby requested and authorized to treat any concurrent or future reply in the above-identified application, requiring a

petition for an extension of time for its timely submission, as incorporating a petition for extension of time for the appropriate length of time.

Respectfully submitted,

NEEDLE & ROSENBERG, P.C.

Shari J. Corin, Ph.D.
Registration No. 46,243

NEEDLE & ROSENBERG, P.C.
Suite 1200, The Candler Building
127 Peachtree Street, N.E.
Atlanta, Georgia 30303-1811
(404) 688-0770

CERTIFICATE OF EXPRESS MAILING UNDER 37 C.F.R. § 1.10

I hereby certify that this correspondence is being deposited with the United States Postal Service as Express Mail No. EL 491883896US in an envelope addressed to: Box Patent Application, Commissioner for Patents, Washington, D.C. 20231, on this 20th day of December, 2001.

Erick Calderon — Date 12/20/01